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Law and Parliamentary Affairs Secretariat

NOTIFICATION.

No. LAW 6 LGN 75, Bangalore dated 22nd March 1975,

Ordered that the **Karnataka Civil Services (Classification and Scale of Pay of non-graduate Junior Engineers of the Public Works Department) Act 1975** which received the assent of the Governor on the Twenty-second day of March 1975 be published as Karnataka Act No. 9 of 1975 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 9 OF 1975

(First published in the Karnataka Gazette on the Twenty-second day of March 1975)

THE KARNATAKA CIVIL SERVICES (CLASSIFICATION AND SCALE OF PAY OF NON-GRADUATE JUNIOR ENGINEERS OF THE PUBLIC WORKS DEPARTMENT) ACT, 1975.

(Received the assent of the Governor on the Twenty-second day of March 1975)

An Act to provide for the classification and scales of pay admissible to non-graduate Junior Engineers of the Public Works Department of the State of Karnataka.

Whereas based on classifications of posts different scales of pay had been fixed from time to time in the recrganised State of Mysore (now Karnataka) to Junior Engineers (Graduates) and non-graduate Junior Engineers, that is Overseers, Supervisors, Sub-Engineers, Section Officers and Sub-Overseers;

And whereas in the final Inter-State Seniority List of Junior Engineers published in accordance with the decision of the Government of India and the order of the High Court of Karnataka in Writ Petition No. 1431 of 1961 Junior Engineers (Graduates) and the said category of non-graduate Junior Engineers were equated as one cadre of Junior Engineers;

And whereas in W.P. No. 1757 of 1967 the High Court of Karnataka held that the said non-graduate Junior Engineers also are entitled to the scale of pay admissible to graduate Junior Engineers;

And whereas in pursuance to the said judgment the State Government directed in its Order No. PWD 67 SPN 69, dated 5th March 1971 that all the non-graduate Junior Engineers (Supervisors) so equated with the Junior Engineers (Graduates) be given the revised scale of pay,

sanctioned to Junior Engineers (Graduates) with effect from 1st January 1957, 1st January 1961, 12th April 1966 and 1st January 1970 and their pay be fixed in accordance with the instructions issued in Official Memorandum No. GAD 8 IFP 64, dated 19th December, 1964;

And whereas in W.P. No. 6572 of 1969, the High Court of Karnataka has quashed the said final Inter-State Seniority List and directed the Central Government to redo the equation according to law;

And whereas solely because of the equation of the said non-graduate Junior Engineers into the cadre of Junior Engineers (Graduates), the State Government issued the Order No. PWD 67 SPN 69, dated 5th March 1971 cited above;

And whereas it was never the intention of the State Government either to treat as equals or to give the same scales of pay to both the categories and in a fact the non-graduate Junior Engineers have been separately encadred also;

And whereas consequent upon the decision of the High Court of Karnataka in W.P. No. 6572 of 1969, the basis on which the Government Order dated 5th March 1971 was issued no longer existed and Government by Order No. PWD 269 SPN 73, dated 9th January 1974 rescinded the said Order;

And whereas it is expedient to spell out that the two categories have always been differently treated and to specify the scale of pay admitted and admissible to the non-graduate Junior Engineers;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Civil Services (Classification and scale of pay of non-graduate Junior Engineers of the Public Works Department) Act, 1975.

(2) It shall come into force at once.

2. Classification and scale of pay of non-graduate Junior Engineers.—(1) Notwithstanding anything in any judgment, decree or order of any court or any equation of posts made at any time,—

(i) the category of posts on non-graduate Junior Engineers shall be and shall with effect from 1st November 1956 be deemed to have been classified as a category separate and distinct from the category of posts of Junior Engineers (Graduates);

(ii) the scales of pay admissible to such non-graduate Junior Engineers shall be and shall with effect on and from such date, be deemed to have been only those specified for such category of posts (and revised from time to time) in the Government Order and Rules mentioned in the Schedule in this Act and not those admissible to the categories of posts of Junior Engineers (Graduates):

Provided that the said scale of pay shall be subject to any revision that may from time to time be made by rules under Article 309 of the Constitution; and

(iii) any action taken to fix the pay of such non-graduate Junior Engineers in the said scale of pay shall be deemed to have been validly taken.

(2) Subject to the provisions of sub-section (1), the provisions of the Government Order and Rules referred to in the Schedule to this Act shall apply in all respects to the fixation of pay of such non-graduate Junior Engineers.

Explanation.—Non-graduate Junior Engineers shall mean Overseers, Supervisors, Sub-Engineers and Section Officers who are not graduates and Sub-Overseers.

3. Repeal of Karnataka Ordinance No. 16 of 1974.—The Karnataka Civil Service (Classification and scale of pay of non-graduate Junior Engineers of the Public Works Department) Ordinance, 1974 (Karnataka Ordinance No. 16 of 1974) is hereby repealed:

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE

(1) Government Order No. F 1 (B) 140133-BUD 119/56/3, dated 25th January 1957;

(2) The Karnataka Civil Services (Revised Pay) Rules, 1961;

(3) The Karnataka Civil Services (Revised Pay) Rules, 1970.

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex-Officio *Joint-Secretary to Government, Department of Law and Parliamentary Affairs.*

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